

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

COTY JAMES MORRISON

PLAINTIFF

V.

CASE NO. 4:12-cv-4084

WARDEN MARTY BRAZELL;  
and CAPTAIN STEVE HARTLINE

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed March 19, 2013 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 11). Judge Bryant recommends that Plaintiff's Motion for Leave to Proceed in forma pauperis be denied and that his Amended Complaint be dismissed for failure to state a claim upon which relief may be granted. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*.

Plaintiff's Motion for Leave to Proceed in forma pauperis (ECF No. 6) is hereby **DENIED** and Plaintiff's Amended Complaint (ECF No. 5) is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a).

**IT IS SO ORDERED**, this 8th day of April, 2013.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge